

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

WESLEY D. FREE, )  
                        )  
Plaintiff,         )  
                        )  
vs.                   ) Case No. CIV-13-0087-F  
                        )  
OKLAHOMA DEPARTMENT OF )  
CORRECTIONS, et al., )  
                        )  
Defendants.         )

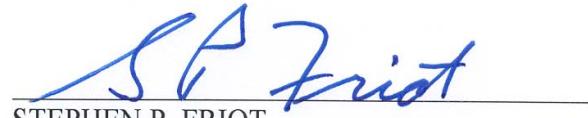
**ORDER**

Before the court are the Second Supplemental Report and Recommendation of United States Magistrate Judge Gary M. Purcell (doc. no. 31) and plaintiff's Objection to the Second Supplemental Report and Recommendation (doc. no. 32). The Magistrate Judge has recommended that plaintiff's cause of action against the one remaining defendant, defendant Al Kelly, be dismissed without prejudice for failure to effect service of process on defendant Kelly. This recommendation follows two permissive extensions of time to effect service and plaintiff's one attempt to effect service in this case that is twelve months old.

In plaintiff's objection he makes no argument and presents no evidence that service was proper. Instead he strongly implies that the court is cheating or stealing from him. He states that if he is not going to get his day in court, the court should at least refund his filing fee. But it was plaintiff's responsibility upon filing this action to comply with the Federal Rules of Civil Procedure. Plaintiff's failure to do so does not warrant a refund of his filing fee.

The Second Supplemental Report and Recommendation of the Magistrate Judge (doc. no. 31) is **ADOPTED**, and plaintiff's cause of action against defendant Al Kelly is **DISMISSED** without prejudice.

Dated this 30<sup>th</sup> day of January, 2014.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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